



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

October 19, 2021
7:00 p.m.

- I. Call to Order
- II. Invocation by Reverend Sandi Hood, Peace United Church of Christ Carolina Caring
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of a Proclamation for the Former Hickory Municipal Building Centennial to Patrick Daily, Executive Director, Hickory Landmarks Society, Inc. and John Rambo, Hickory Community Theatre, Managing Director. **(Exhibit IV.A.)**
- V. Persons Requesting to Be Heard
 - A. Mr. Sean Little, 615 4th Avenue SW, addressed Council on the need for dog cleanup stations.
 - B. Mr. Thomas Swink, 1430 16th Ave NE, addressed Council about problems with a neighbor and a barking dog.
 - C. Ms. Casandra Swink, 1430 16th Avenue NE, addressed Council about problems with a neighbor and a barking dog.
- VI. Approval of Minutes
- A** A. Regular Meeting of October 5, 2021. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
- A2** A. Budget Revision Number 6. **(First Reading Vote: Unanimous)**
- A2** B. Amendments Related to the Hickory Trail System, Section 18-1, and the Addition of Section 18-59 to Chapter 18 Motor Vehicles and Traffic of the Hickory City Code of Ordinance. **(First Reading Vote: Unanimous)**
- A2** C. Rezoning Petition 21-05 for 3617 Section House Road, Located Between Adam Street and Garren Drive. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

- A** **A.** Approval of a Resolution Regarding Condemnation of Properties for Temporary and Permanent Easements and Rights-of-Way for Construction of the Multiuse Path System for the OLLE Art Walk. **(Exhibit VIII.A.)**

The OLLE Art Walk is part of the larger Hickory Trail multiuse path system and bond program that seeks to increase quality of life for residents and spur economic revitalization by providing pedestrian and bicycle connectivity throughout the City. The OLLE Art Walk will create a connection between City Walk, via 9th Street NW and Old Lenoir Road, and Aviation Walk and the Riverwalk. Per North Carolina General Statutes Chapter 40A the City of Hickory has the power of eminent domain to acquire any property to improve streets, sidewalks, and establish or improve recreational facilities. The City has found it is in the public interest to acquire certain easements and rights-of-way for the construction of the mile, 10-foot-wide multiuse pathway for pedestrian and bicycle connectivity from the City Walk to the Riverwalk via 9th Street NW and Old Lenoir Road. The proposed resolution authorizes staff and legal counsel to institute the condemnation proceedings on these properties. Staff recommends Council's approval of the Resolution regarding condemnation of properties for temporary and permanent easements and rights-of-way for construction of multiuse path system for the OLLE Art Walk.

- A** **B.** Approval of a Professional Services Agreement with Civil & Environmental Consultants, Inc. in the Amount of \$105,000 for Trivium East Sewer Extension Design. **(Exhibit VIII.B.)**

Staff requests Council's approval of a Professional Services Agreement proposal with Civil & Environmental Consultants, Inc., in the amount of \$105,000 for Trivium East sewer extension design. Trivium Business Park is the business park identified for bond proceeds for the Bond Referendum that was passed by the City of Hickory. The City, Catawba County and Catawba County Economic Development Corporation worked on development of the project to a condition that is receptive to marketing. This phase of the project will consist of survey design, ecological study, mapping and platting, subsurface investigation, permitting and all other necessary services required through construction of the sewerline project. The sewerline will serve the Trivium East property as well as future housing developments that are possible on the Startown Road corridor. Staff recommends Council's approval of a Professional Services Agreement proposal with Civil & Environmental Consultants, Inc., in the amount of \$105,000 for Trivium East sewer extension design.

- A** **C.** Approval of a Cemetery Deed Transfer from Mary Gordon Watson, unmarried to Michael Howard Gregg and wife, Catherine Summey Gregg, Oakwood Cemetery Sites 3,4,7, and 8, Plot H, Lot 1, Section 50. (Prepared by Susannah L. Brown, Attorney) **(Exhibit VIII.C.)**

- PH** **D.** Call for a Public Hearing for Consideration of Proposed Amendments to Chapter 21, Section 21-10 of the Hickory City Code of Ordinances. **(Authorize Public Hearing for November 2, 2021, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.) (Exhibit VIII.D.)**

- A** **E.** Citizens' Advisory Committee Recommendation for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.E.)**

The following applicant was considered by the Citizens' Advisory Committee at their regular meeting on October 7, 2021; and is now being recommended for approval for assistance under the City of Hickory's 2021 Urgent Repair Program. This program provides qualified low-income citizens with assistance for emergency related repairs not to exceed \$10,000.

➤ *Charles Peeler, 1340 6th Avenue Drive NE, Hickory – up to \$10,000.*

The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- A** **F.** Acceptance of the Construction Bid and Authorize the City Manager to Execute the Construction Contract with Wilkie Construction Co. Inc. in the Amount of \$1,465,260 for

Construction of a 12,000 Square Foot Hangar at the Hickory Regional Airport.
(Exhibit VIII.F.)

Staff requests the acceptance of the construction bid and authorize the City Manager to execute the construction contract with Wilkie Construction Co., Inc. in the amount of \$1,465,260 for construction of a 12,000 square foot hangar at the Hickory Regional Airport. The project will be financed and repaid with funding from additional property tax revenues received from the City of Hickory and Burke County per a 2021 agreement to assist with the addition of airport hangars to meet increased demand from the aviation community. Additional hangar rental revenue and fuel sales will also assist in repayment of the debt. Staff recommends Council's acceptance of the construction bid and authorize the City Manager to execute the construction contract with Wilkie Construction Co., Inc. in the amount of \$1,465,260.

A1 G. Budget Revision Number 7. **(Exhibit VIII.G.)**

1. *To establish the Airport Hangar W5 Project Ordinance (#APH0W5) and appropriate \$1,465,260 of Transportation Fund Financing Proceeds towards the project for an agreement with Wilkie Construction Co, Inc for construction services.*
2. *To appropriate \$6,006 in miscellaneous funds from the General Fund towards the Police Department for BLET tuition reimbursement for police officers.*
3. *To appropriate \$52,500 of Water/Sewer Fund Balance to be paid to Civil & Environmental Consultants, Inc. as part of a Professional Services Agreement in Trivium Corporate Center East Sewer Extension. Matching funds of \$52,500 will come from Catawba County for a total of \$105,000, to be split equally between City of Hickory and Catawba County.*
4. *To appropriate \$150 in donations from Friends of Hickory Public Library towards library programming.*

IX. Items Removed from Consent Agenda

X. Informational Item

XI. New Business:

A. Public Hearings

- A** 1. Consideration of Proposed Redistricting Plans – Presentation by City Manager Warren Wood. **(Exhibit XI.A.1.)**

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 8, 2021.

- A** 2. Consideration of the Voluntary Contiguous Annexation of 1.99 Acres of Property Located at 2185 13th Avenue Drive SE, PIN 3712-20-80-5063 – Presentation by Planning Director Brian Frazier. **(Exhibit XI.A.2.)**

PTM, LP petitioned for the voluntary contiguous annexation of 1.99 acres of property located at 2185 13th Avenue Drive SE. The subject property is currently located within Hickory's extraterritorial jurisdictional area (ETJ), and zoned Regional Commercial (C-3). The annexation is being requested to connect to the City's utility system and fulfill an agreement to annex the properties along 13th Avenue Drive SE as they are developed. Development intensities within commercial districts are governed by floor area ratios. In this specific district the maximum floor area ration is 2:1. Given the property's size, development could theoretically yield up to 165,000 ft2 of commercial floor area. The subject property is currently vacant; however, the property owners intend to construct a diesel fueling facility on the property. The owner of the property is Sheetz, who operates a convenience store immediately to the east. The proposed annexation area will be combined with the property of the existing convenience store and operated as

a single facility. The current tax value of the property is \$868,300. If annexed with its present value, the property would immediately generate additional tax revenues of \$5,448. Upon analysis, staff determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on October 8, 2021.

B. Departmental Reports

- A** 1. Approval of Agreements with JRN Development to Construct Affordable Housing on City-Owned Property – Presentation by Community Development Manager Karen Dickerson. **(Exhibit XI.B.1.)**

Staff requests City Council's approval of the Development and Purchase Agreements with JRN Development to construct affordable housing on City-owned property. In 2019, the City of Hickory received funding to construct two affordable houses near the intersection of 8th Avenue Drive SW and 3rd Street Place SW. These two homes were completed and sold to income eligible homebuyers in spring 2021. The City owns six additional lots in the loop road behind these two homes. These lots were purchased with Community Development Block Grant funding so the land must be used to benefit low-and-moderate income residents. JRN Development has approached the City with a development proposal to build affordable housing for owner occupants on these six additional lots. The homes will have 3 bedrooms, 2 bathrooms, and at least 1,100 square feet. The design of the homes will be similar to the homes already constructed by the City in the area. The development agreement requires that a deed restriction be placed on the six parcels to ensure that the parcels are only sold to households earning less than 80 percent of the area median income. The developer has agreed to pay \$3,000 per lot (\$18,000 total) to purchase the property. Staff believes the sales price to be reasonable based on the restriction placed on the lots. Tax value of the parcels range from \$3,100 to \$4,300 depending on the size of the lot. The proceeds from the lot sales will be Community Development Block Grant program income and will be used to meet program objectives. NCGS 160D-1316 permits municipalities to sell property for affordable housing by private sale without having to go through the upset bid process. The development agreement requires completion of the homes within 12 months of the property sale. Based on the timeline in the agreement, construction will begin approximately 90-days after the sale of the property. Staff recommends Council's approval of the development and purchase agreements with JRN Development.

- A** 2. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area

VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (Alderman William Appoints)
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Other Minority (Council Appoints)
Other Minority (Council Appoints)
Other Minority (Council Appoints)
Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

VACANT

VACANT

Differently Abled (Council Appoints) VACANT
Beth Whicker
(Not Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms (Appointed by City Council)
Licensed Architect (Council Appoints) Ernie Sills
(Not Eligible for Reappointment)
At-Large (2)(Council Appoints) Mary Moorer
(Eligible for Reappointment/Does Not Wish to Serve Again)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT
Ward 6 (Patton Appoints) Gail Miller
(Eligible for Reappointment/Does Not Wish to Serve Again)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT
At-Large (Mayor Appoints) Beth Bowman
(Not Eligible for Reappointment)

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)
Position 3 (Mayor Appoints) VACANT
Position 9 (Mayor Appoints) (Unexpired Term of Rebecca Clements) VACANT

Mayor Guess Nominated Reverend David Roberts and Gary Fulbright to the Public Housing Authority.

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard VACANT
Homeschool VACANT

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

XIV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**